

Examiner Bryan J. Fox
Fax No. 703 872-9306

REMARKS

The Office Action mailed January 3, 2005 has been reviewed and carefully considered. The Examiner's reconsideration is respectfully requested in view of the above amendments and the following remarks.

Claims 1-9, 12-16, 18 and 19 are pending in the present application. Claims 1 and 8 have been amended. Claims 10, 11 and 17 have been cancelled without prejudice. Claim 19 has been added. No new matter has been introduced.

Initially, the Applicant gratefully acknowledges the indication of allowability of Claim 7 if rewritten in independent form with all the limitations of the base claim and any intervening claims.

By the Office Action, the Examiner rejected claims 11 and 17 under 35 U.S.C. §112, first paragraph. As noted above, Claims 11 and 17 have been cancelled without prejudice to further prosecution of the case. These claims were directed to a negative limitation and the language was somewhat cumbersome. However, support is available in the specification that the physical transferring media does not need to be specified. However, the rejection is now moot in view of the cancellation. Accordingly, reconsideration of the rejection is respectfully requested.

Claims 1-4 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,732 to Tryding (hereinafter Tryding) in view of U.S. Patent No. 6,556,217 to Makipaa et al. (hereinafter Makipaa) and U.S. Patent No. 6,622,018 to Erikson (hereinafter Erikson). The Applicant respectfully disagrees with the rejection.

Claim 1 now recites, *inter alia*, a mobile device, including primary communication means ..., a transcoding proxy with a content server; ... an auxiliary communication means ... wherein the auxiliary communication means are arranged for

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receiving an assistance message from the auxiliary rendering device, the assistance message comprising information on the rendering capabilities of the auxiliary rendering device wherein the primary communication means selects between auxiliary rendering devices based upon the rendering capabilities.

Tryding is directed to a system which employs an external display monitor for a cellular telephone. Makipaa is directed to a system that includes an intermediate server for rendering and adapting an appropriate sized display for a telephone or other device for displaying web pages. Ereksen uses Bluetooth messaging to control remote devices. While these devices provide a response, which may include their capabilities, the cited combination of references fails to disclose or suggest all of the elements of amended claim 1.

It is respectfully asserted that none of the cited references, either taken singly or in combination, teach or suggest at least "wherein the primary communication means selects between auxiliary rendering devices based upon the rendering capabilities" as now recited in Claim 1. Support for the amendment can be found throughout the specification and figures and in particular, e.g., at pages 9 (last paragraph) through page 10 of the present application. Claim 1 is patentably distinct and nonobvious over the cited references for at least the reasons set forth above.

Nowhere in the cited combination does a primary communication means select between auxiliary rendering devices based upon the rendering capabilities. Instead, the rendering device in Tryding is known in advance and previously associated with the telephone. In Makipaa, there is no auxiliary rendering device.

Ereksen is directed to a completely different application, namely the direct control of peripheral devices in a wireless network. There is no disclosure or suggestion in

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Erekson that would lead one skilled in the art to combine Erekson with Tryding and Makipaa to arrive at the present invention.

When looking at the Erekson reference, a handheld computer device is employed to control a plurality of remote devices. There is no mention or discussion in Erekson that suggests or identifies the problems or issues that the present invention aims to solve. The capabilities of a device are reported to the user so that they may be selected manually and interacted with using Blue Tooth protocols. There is no disclosure or suggestion of primary and auxiliary communication sessions or an auxiliary rendering device as recited in claim 1. The remote devices of Erekson are not identified and do not include either implicitly or explicitly an auxiliary rendering device that provides the image of the handheld computer or sound therefrom. The hints or clues that would suggest combining Erekson with Tryding and/or Makipaa are not present. Therefore, there is insufficient motivation to combine Erekson with Tryding and/or Makipaa. Reconsideration of the rejection is respectfully requested.

While Erekson provides that responses from remote devices may identify the device's capabilities, nothing in the cited combination, taken alone or in combination, discloses or suggests that the primary communication means selects between auxiliary rendering devices based upon the rendering capabilities. The capabilities reported by the remote devices of Erekson do not suggest an auxiliary rendering device, and nothing in Erekson would suggest combining the teaching of Erekson with Tryding and /or Makipaa. Reconsideration of the rejection is earnestly solicited.

Claims 2-4, 6 and 12-16 are believed to be in condition for allowance for at least the reasons stated for claim 1 and their dependency therefrom.

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Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tryding in view of Makipaa and further in view of U.S. Patent No. 6,775,558 to Ranta et al. (hereinafter Ranta).

Claims 6 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tryding, Makipaa and Erikson and further in view of U.S. Patent No. 6,330,448 to Otsuka et al. (hereinafter Otsuka).

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tryding, Makipaa and Erikson and further in view of U.S. Patent No. 6,542,742 to Schramm et al. (hereinafter Schramm).

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tryding, Makipaa and Erikson and further in view of U.S. Patent No. 5,390,339 to Bruckert et al. (hereinafter Bruckert).

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tryding, Makipaa and Erikson and further in view of U.S. Patent No. 5,995,829 to Broderick et al. (hereinafter Broderick).

Claims 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tryding, Makipaa and Erikson and further in view of U.S. Patent No. 6,473,630 to Baranowski et al. (hereinafter Baranowski).

The Applicant respectfully disagrees with the rejections for a number of reasons. However, claims 5, 6, and 12-16 are believed to be in condition for allowance for at least their dependency from claim 1. Accordingly, reconsideration of the rejections is respectfully requested. It should be noted that the Examiner has selected various references in cellular technology to demonstrate that the present invention is taught by

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the prior art. These references are completely different from the present invention and lack proper motivation to combine them. For example, handing off a telephone call between base stations does not contemplate rendering video data at an auxiliary rendering device based which is selected based on rendering criteria. In addition, selecting an auxiliary rendering device based upon proximity is not the same as connecting to a cell base station. Applicant reserves the right to further argue these claims should the Examiner not reconsider the rejections.

It is further noted that each claim includes 4 cited references to attempt to provide all of the elements of the claims. The dependent claims are believed to be allowable for a number of reasons and the Examiner is respectfully requested to reconsider the rejections of the dependent claims and in particular claims 12, 13, 14 and 15.

Claims 8, 9 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tryding in view of Erikson.

Claim 8 has been amended to include, *inter alia*, an auxiliary rendering device including mobile device communication means for establishing an auxiliary communication session with a mobile device, and rendering means for rendering content received in the auxiliary communication session, wherein the mobile device communication means are arranged for transmitting an assistance message comprising information on the rendering capabilities of an auxiliary rendering device to the mobile device, wherein the rendering capabilities are employed to permit the mobile device to select for rendering the auxiliary rendering device from among a plurality of auxiliary rendering devices based upon the rendering capabilities.

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As noted above, neither Tryding and/or Erikson disclose or suggest using the rendering capabilities to permit the mobile device to select for rendering the auxiliary rendering device from among a plurality of auxiliary rendering devices based upon the rendering capabilities. The present invention provides a rendering device equipped with the ability to transmit an assistance message with rendering capabilities. In response to this, the mobile device can select a best rendering device to render the video or audio content.

Tryding does not provide for selecting a rendering device and instead provides formats customized to the device at hand. No selections are made. The remote devices of Erikson are not identified and do not include either implicitly or explicitly an auxiliary rendering device; nor is a rendering device selected over other rendering devices in accordance with rendering capabilities. Tryding has a device for rendering webpages, but does not disclose or suggest an auxiliary rendering device. Erikson includes a handheld computer, but fails to disclose or suggest an auxiliary rendering device, and in fact is silent as to what the remote devices are and what functions they perform.

It is therefore respectfully submitted that the combination of Tryding and Erikson, taken alone or in combination, fails to disclose or suggest at least: an auxiliary rendering device, and further fails to disclose or suggest employing the rendering capabilities to permit the mobile device to select for rendering the auxiliary rendering device from among a plurality of auxiliary rendering devices based upon the rendering capabilities. Withdrawal of the rejection is respectfully requested.

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Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tryding and Erikson and further in view of U.S. Patent No. 6,473,630 to Baranowski et al. (hereinafter Baranowski). The Applicant respectfully disagrees with the rejection.

Claims 9 and 18 are believed to be in condition for allowance for at least the reasons stated for claim 8 and their dependency therefrom.

Further as noted above, new Claim 19 have been added and includes the subject matter of claims 1, 3 and 7, and is therefore believed to be in condition for allowance.

The Applicant respectfully requests reconsideration and withdrawal of the rejections and allowance of the application. Such early and favorable consideration by the Examiner is respectfully urged. Should the Examiner believe that a telephone interview may facilitate resolution of any remaining matters, it is requested that the Examiner contact Applicant's undersigned attorney.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to Applicant's representative's Deposit Account No. 50-1433.

Respectfully submitted,

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